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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Tehama)

THE PEOPLE,

Plaintiff and Respondent,

v.

JEFFREY JOE SCOTT,

Defendant and Appellant.

C090702

(Super. Ct. Nos. 19CR000974,
19CR000978, 19CR001590)

Appointed counsel for defendant Jeffrey Joe Scott asked this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*)). Finding no arguable error that would result in a disposition more favorable to defendant, we will affirm the judgment.

I

With regard to case No. 19CR000978, Red Bluff police officers were dispatched to the scene of a hit and run accident. At that location officers found a license plate belonging to the vehicle that had departed the accident scene, a 2001 Mercedes. Another officer saw defendant driving a 2001 Mercedes with a license plate matching the one at

the scene. It appeared that defendant was confused and that he had been drinking. Officers saw a partially empty six pack behind the driver's seat. They took defendant to the police station and breath samples revealed he had a 0.16 percent and 0.15 percent blood-alcohol level.

As for case No. 19CR001590, approximately one month later, defendant was driving at a high speed and weaving in and out of lanes when his vehicle went off the road and crashed into a dirt embankment. Officers at the scene noted defendant smelled of alcohol and his eyes were red and watery. He admitted drinking quite a bit but denied he was the driver.

Another case, case No. 19CR000974, arose approximately one month later when a deputy saw defendant weaving in and out of traffic and driving at a high speed. The deputy pulled defendant over, smelled a strong alcohol odor, and noticed that defendant's speech was slow and slurred. Defendant claimed his car was having mechanical problems, but he admitted smoking marijuana shortly before being pulled over. Two breath samples indicated defendant had a 0.17 percent blood-alcohol level.

Defendant pleaded guilty to driving with a 0.08 percent blood-alcohol level or higher in each of the three cases. (Veh. Code, § 23152, subd. (b).) As to each case he admitted three prior convictions for driving under the influence within the last 10 years. (Veh. Code, §§ 23550, 23550.5.) In case Nos. 19CR000974 and 19CR001590, he admitted a prior strike conviction. (Pen. Code, §§ 1170.12, subds. (a)-(d); 667, subds. (b)-(i).) The remaining counts and enhancements were dismissed.

The trial court denied defendant's *Romero* motion¹ and sentenced defendant to the agreed maximum term of seven years four months, as follows: the upper term of three years, doubled pursuant to the strike in case No. 19CR000974; a consecutive eight

¹ *People v. Superior Court (Romero)* (1996) 13 Cal.4th 497.

months (one-third the midterm), doubled pursuant to the strike in case No. 19CR001590; and a concurrent three years in case No. 19CR000978. The trial court awarded defendant 397 days of presentence credit and imposed various fines and fees. Defendant did not obtain a certificate of probable cause.

II

Appointed counsel filed an opening brief setting forth the facts of the case and asking this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing the opening brief. More than 30 days elapsed and we received no communication from defendant.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

MAURO, J.

We concur:

/S/

RAYE, P. J.

/S/

 RENNER, J.